

Docket No.: 826.1515

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hajime Kojima et al.

Serial No. 09/184,587

Group Art Unit: 3627

Confirmation No. 4412

Filed: November 3, 1998

Examiner: Shaawat, Mussa A.

For: WITNESS SYSTEM

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief-Patents

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Attention: **BOX AF**

Sir:

In a Notice of Appeal filed on September 28, 2007, Applicants appealed the Examiner's July 19, 2007 Office Action finally rejecting claims 1-35. Submitted herewith are an Appeal Brief, and the requisite fees set forth in 37 C.F.R. § 41.20(b).

I. REAL PARTY IN INTEREST

The real party in interest is FUJITSU LTD, Kawasaki, Japan, the assignee of this application.

II. RELATED APPEALS AND INTERFERENCES

Appellants, appellant's legal representative, and the assignee do not know of any prior or pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by, or have a bearing on, the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-35 have been rejected and are on appeal. Claims 36 and 37 are withdrawn.

IV. STATUS OF AMENDMENTS

No amendment has been filed following the Final Office Action rejecting claims 1-35, which was mailed on July 19, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants use hereinafter citations based on the publication of the current application, U.S. Patent Application Publication No. 2003/0078862 by Kojima et al.

A. Claim 1

Independent claim 1 is directed to a witness system to assist a buyer and a seller after at least one sale operation has been agreed upon when an offer and acceptance have occurred. An exemplary embodiment is illustrated in FIG. 3. The witness system includes:

- confirmation document making means for making a confirmation document by the buyer for each one of a plurality of received seller records sent from the seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer generating a confirmation document corresponding to each seller record, and each confirmation document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records (see buyer's computer 5, performing operation described in block J in FIG. 3 and paragraphs [0086]-[0089]);
- witness receiving means for receiving each confirmation document from the buyer after the buyer makes each confirmation document (see witness PC 9 and the arrow from the buyer's computer 5 block J to wards the witness PC 9, in FIG.3 and

paragraphs [0073]-[0074]);

- confirmation means for confirming by the seller that the content of each of the seller records is in agreement with the content of a corresponding one of the confirmation documents sent to the seller from the witness receiving means, wherein said witness receiving means certifies and registers each confirmation document as being accurate once said confirmation means confirms each confirmation document (see seller's computer 6 performing operation L in FIG. 3, and paragraph [0090]); and
- memory means for storing in memory the confirmation documents registered by said witness receiving means (see blocks 20, 21, 22 of witness PC 9 in FIG. 3, and paragraphs [0075]-[0076]).

Claim 1 further specifies that "the witness system responds to any subsequent inquiry of the buyer or the seller relative to the selected sale using the stored confirmation documents" which feature is described in paragraphs [0084], [0103], and [0173].

B. Claim 7

Independent claim 7 is directed to an account settlement system, a non-limiting embodiment of which is exemplary illustrated in FIG. 21. The account settlement system of claim 7 has:

- notarization document making means for making a notarization document by a buyer for each one of a plurality of seller records sent from a seller to the buyer after at least one sale operation has been agreed upon when an offer and an acceptance have occurred, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records (see FIG. 20, illustrating operations of the notarization authority 7 in FIG. 21 and paragraph [0108]);
- sending means for sending to a notarization authority each notarization from the buyer after the buyer makes each notarization document, and for sending each notarization document from the notarization authority to the seller (see arrow "NOTARIZATION" from selling company 2 to notarization authority 7 in FIG. 21 and paragraph [0110]);
- confirmation means for confirming by the seller whether the contents of each seller record is in agreement with the contents of a corresponding one of the notification

documents (see arrow "NOTARIZATION" from selling company 2 to notarization authority 7 in FIG. 21, and paragraph [0107]);

- a witness having the notarization authority and certifying that each notification document is accurate after the seller confirms that each seller record agrees with the corresponding notarization document (see notarization authority 8 in FIG. 21, and paragraph [0109]);
- memory means for storing in a memory the notarization documents certified by said witness (see in "NOTARIZATION DATA" in the notarization authority 7 in FIG. 21 and first sentence of paragraph [0110]);
- detailed payment statement making means for making, with reference to the notarization documents stored in the memory, a detailed payment statement, upon which payment to the seller by the buyer is to be based (see witness 3 in FIG. 21, second sentence of paragraph [0110]);
- funds transfer request means for requesting a transfer of funds, based on the detailed payment statement (see arrow (3) "FUNDS TRANSFER" in FIG. 21, paragraph [0111]); and
- notification means for notifying said witness of a transfer of funds, when funds are transferred to the seller based on the funds transfer request (see arrow "CONFIRMATION" from the selling company 2 to the witness 3 in FIG. 21, and the last sentence of paragraph [0111]).

Claim 7 also specifies that the witness responds to any subsequent inquiry of the buyer or the seller relative to the selected sale using the stored confirmation documents (see paragraph [0112]).

C. Claim 15

Independent claim 15 is directed to an account settlement system utilizing a witness system, a non-limiting embodiment of which being illustrated in FIG. 24. (see paragraphs [0121]-[0126]). The account settlement system of claim 15 has:

- notarization document making means for making a notarization document by a seller (see selling company PC 6 and arrow "NOTARIZATION AUTHORITY" connected to the block F "COMPANY REGISTRATION" in FIG. 24) for each one of a plurality of buyer records sent from a buyer to the seller (see from buying company PC 5, block B "COMPANY REGISTRATION" in FIG. 24), each buyer record including sales data about one or more items sold by the buyer to the seller (see, e.g., confirmation documents x1 and x2 in FIG. 9), the seller making each notarization document upon receipt of

each buyer record, and each notarization document indicating a sale and corresponding sales data of at least one item among the plurality of seller records (see paragraphs [0123] and [0151]-[0157]);

- sending means for sending to a notarization authority each notarization from the seller after the seller makes each notarization document, and for sending each notarization document from the notarization authority to the buyer (see witness sever 8 in FIG. 24, paragraphs [0123]);
- confirmation means for confirming by the buyer whether the contents of each buyer record is in agreement with the contents of a corresponding one of the notification documents (see buying company PC 5 of FIG. 24, and paragraphs [0158]-[0170]);
- a witness having the notarization authority and certifying that each notification document is accurate after the buyer confirms that each buyer record agrees with the corresponding notarization document (see witness 9, paragraph [0126]);
- memory means for storing in a memory the notarization documents certified by said witness (see witness 9 and paragraph [0124]);
- detailed payment statement making means for making, by said buyer, with reference to the notarization documents stored in the memory, a detailed payment statement upon which a set-off payment by the seller to the buyer is based (see buying company PC 5 block D, paragraph [0179]); and
- request means for requesting a financial institution to issue a check to the buyer, based on the detailed payment statement (e.g. witness 9 in FIGS. 24, and 51 and see paragraphs [0180], [0186]-[0191]).

D. Claim 17

Independent claim 17 is directed to an account settlement system utilizing a witness system, a non-limiting embodiment of which being illustrated in FIG. 24. The account settlement system of claim 17 has:

- notarization document making means for making a notarization document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records (see "NOTARIZATION

AUTHORITY" 7 inside the Witness PC 9 in FIG. 24 and paragraphs [0123] and [0151]-[0157]);

- sending means for sending to a notarization authority each notarization from the buyer after the buyer makes each notarization document, and for sending each notarization document from the notarization authority to the seller (see 8 in FIG. 24, paragraphs [0123]);
- confirmation means for confirming by the seller whether the contents of each seller record is in agreement with the contents of a corresponding one of the notification documents (see G in buying company PC 6 of FIG. 24, and paragraphs [0158]-[0170]);
- a witness having the notarization authority and certifying that each notification document is accurate after the seller confirms that each seller record agrees with the corresponding notarization document (see 9, paragraph [0126]);
- memory means for storing in a memory the notarization documents certified by said witness(see paragraph [0124]);
- detailed payment statement making means for making, with reference to the notarization documents stored in the memory, a detailed payment statement, upon which payment to the seller by the buyer is to be based (see H in buying company PC 6, paragraph [0179]); and
- request means for requesting a financial institution to issue a note to the buyer (e.g. 9 in FIGS. 24, and 52 and see paragraphs [0180], [0194]-[0199]).

E. Claim 25

Independent claim 25 is directed to a method for document confirmation by a witness system, a non-limiting embodiment of which is illustrated in FIG. 9. The method of claim 25 includes:

- making a confirmatory document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each confirmatory document upon receipt of each seller record, and each confirmatory document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records (see (1) "TRANSMISSION" in FIG. 9, and paragraph [0089]);

- sending to a witness each confirmatory document from the buyer after the buyer makes each confirmatory document, and sending each confirmatory document from the witness to the seller (see (3) in FIG. 9 and paragraphs [0095]-[0097]);
- confirming by the seller whether the contents of each seller record are in agreement with the contents of a corresponding one of the confirmatory documents (see (4) in FIG. 9 and paragraphs [0095]-[0097]);
- certifying, by the witness, that each confirmatory document is accurate, and notifying the buyer and the seller of each certification (see (6) in FIG. 9 and paragraphs [0095]-[0097]); and
- storing the certified documents in a memory (see 20, (5) and (2) and paragraph [0098]).

F. Claim 26

Independent claim 26 is directed to an account settlement method utilizing a witness system, a non-limiting embodiment of which being illustrated in FIG. 40. The account settlement method of claim 26 includes:

- making a notarization document by a buyer for each one of a plurality of seller records sent periodically from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records (see (1) "TRANSMISSION" in FIG. 40, and paragraphs [0155]-[0157]);
- sending to a notarization authority each notarization document from the buyer after the buyer makes each notarization document, and sending each notarization document from the notarization authority to the seller (see (3) in FIG. 40, and paragraph [0159]);
- confirming by the seller whether the contents of each seller record are in agreement with the contents of a corresponding one of the notarization documents (see (4) in FIG. 40 and paragraphs [0159]-[0163]);
- notarizing, by a witness having the notarization authority, that each document is accurate and notifying the buyer and the seller of each notarization, after the seller

confirms that each seller record agrees with the corresponding notarization document (see (6) in FIG. 40 and paragraph [0166]);

- storing in a memory the notarized documents (see 20 in FIG. 40 and paragraph [0168]);
- making, with reference to the stored notarization documents, a detailed payment statement upon which is based payment by the buyer to the seller (see block "PAYMENT PROCESSING" (7) inside witness 3 in FIG. 40 and paragraph [0177]-[0178]); and
- requesting the transfer of funds to the seller, based on the detailed payment statement (see arrow (7) in FIG. 40 and paragraphs [0179]-[0180]).

G. Claim 27

Independent claim 27 is directed to a computer-readable memory medium containing a program causing a computer to execute document confirmation processes performed by a witness system (see paragraph [0076]). The program makes computers to execute a process including:

- making a confirmatory document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each confirmatory document upon receipt of each seller record, and each confirmatory document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records (see (1) "TRANSMISSION" in FIG. 9, and paragraph [0089]);
- sending, to a witness, each confirmatory document from the buyer after the buyer makes each confirmatory document, and sending each confirmatory document from the witness to the seller (see (3) in FIG. 9 and paragraphs [0095]-[0097]);
- confirming by the seller whether the contents of each seller record are in agreement with the contents of a corresponding one of the confirmatory documents (see (4) in FIG. 9 and paragraphs [0095]-[0097]);
- certifying by the witness that each confirmatory document is accurate, and notifying the buyer and the seller of each certification, after the seller confirms that each seller record agrees with the corresponding confirmatory document (see (6) executed after (4) in FIG. 9 and paragraphs [0095]-[0097]); and

- storing in a memory each certified document (see 20, (5) and (2) and paragraph [0098]).

H. Claim 28

Independent claim 28 is directed to a computer-readable memory medium containing a program causing a computer to execute an account settlement process using a witness system (see paragraph [0076]). The program makes computers to execute a process including:

- making a notarization document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records (see (1) "TRANSMISSION" in FIG. 40, and paragraphs [0155]–[0157]);
- sending, to a notarization authority, each notarization document from the buyer after the buyer makes each notarization document, and sending each notarization document from the notarization authority to the seller (see (3) in FIG. 40, and paragraph [0159]);
- confirming, by the seller, whether the contents of each seller record and the contents of a corresponding one of the notarization documents are in agreement (see (4) in FIG. 40 and paragraphs [0159]–[0163]);
- notarizing, by a witness having the notarization authority, that each notarization document is accurate, and notifying the buyer and the seller of each notarization, after the seller confirms that each seller record agrees with the corresponding notarization document (see (6) in FIG. 40 and paragraph [0166]);
- storing, in a memory, the notarized documents (see 20 in FIG. 40 and paragraph [0168]);
- making, with reference to the notarized documents, a detailed payment statement upon which is based payment by the buyer to the seller (see block "PAYMENT PROCESSING" (7) inside witness 3 in FIG. 40 and paragraph [0177]–[0178]); and
- requesting that funds be transferred to the seller, based on the detailed payment statement (see arrow (7) in FIG. 40 and paragraphs [0179]–[0180]).

I. Claim 29

Independent claim 29 is directed to a witness system, a non-limiting embodiment of which is illustrated in FIG. 40. The witness system has:

- first computing means for making a document upon receipt of each one of a plurality of records, each record including sales data about one or more items sold by a seller to a buyer, each document being made upon receipt of each record, and each document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records (see (1) in FIG. 40 and paragraph [0155]);
- second computing means for confirming the contents of each document (see (3) "CONFIRMATION REQUEST" and (4) "CONFIRMATION" in FIG. 40, paragraphs [0159] and [0163]); and
- third computing means for performing notarization of each confirmed document and storing in a memory each notarized document data (see "CERTIFICATE WITNESS", paragraph [0168]).

J. Claim 34

Independent claim 34 is directed to an account settlement system, non-limiting embodiments of which are illustrated in FIGS. 24, 40 and 49. The account settlement system has:

- payment request means for making a detailed payment statement that aggregates a selected plurality of payment objects and sending a payment request based on the detailed payment statement, each payment object being created upon receipt of a corresponding one of a plurality of seller sales records, each seller sales record including sales data about one or more items sold by a seller to a buyer, and each payment object indicating a selected sale and corresponding to the sales data of at least one item among the plurality of seller sales records (see e.g. block (7) "PAYMENT PROCESSING" in FIG. 40, paragraph [0102]); and
- comparison means for comparing the detailed payment statement with the seller sales record (see 22 "DETAIL GROUP TABLE" and paragraph [0177]).

K. Claim 35

Independent claim 35 is directed to a method of confirming document data a non-limiting embodiment of which is illustrated in FIG. 40. The method includes:

- creating a confirmation document by a buyer for each one of a plurality of vouchers sent to the buyer by a seller, each voucher including sales data about one or more items sold by the seller to the buyer, the buyer making each confirmation document

upon receipt of each voucher, and each confirmation document indicating a selected sale and corresponding sales data of at least one item among the plurality of vouchers (see (1) "NOTARIZATION DOCUMENT" in FIG. 40, and paragraphs [0155]–[0157]);

- sending each confirmation document from the buyer after the buyer makes each confirmation document to a witness (see (1) "TRANSMISSION" in FIG. 40, and paragraphs [0155]–[0157]);
- sending each confirmation document from the witness to the seller (see (3) "CONFIRMATION REQUEST" in FIG. 40, and paragraph [0159]);
- confirming contents of each confirmation document by the seller by comparing the contents of each confirmation document with the contents of a corresponding one of the vouchers (see (4) "CONFIRMATION" in FIG. 40 and paragraphs [0159]–[0163]);
- certifying and registering each confirmation document by the witness when the witness receives confirmation of the contents of each confirmation document from the seller (see paragraph [0166]); and
- storing each payment document (see 20 in FIG. 40 and paragraph [0168]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The only ground of rejection to be reviewed is the rejection of claims 1-35 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,794,207 to Walker et al. (hereinafter "Walker").

VII. ARGUMENT

A. Review of the Prior Art

Walker is directed to a method and an apparatus for bilateral buyer-driven commerce (see Walker's Abstract). In Walker, prospective buyers of goods and services communicate a binding purchase offer globally to potential sellers, and sellers conveniently search for relevant buyer purchase offers, in order to bind a buyer to a contract by accepting the buyer's purchase offer.

Walker discloses a method for using a computer to facilitate a transaction between a buyer and at least one of sellers, that is, most of the recited operations are performed **before a sale is agreed upon** (see e.g. claim 1). The computer receives from the buyer a conditional purchase offer (CPO), which includes an offer price, and a payment identifier specifying a credit card account associated with the CPO. The computer then outputs the conditional purchase offer to the plurality of sellers. A seller may respond to the CPO by inputting into the computer an acceptance. This is when the sale occurs. A payment is provided to the seller by using the payment identifier.

Walker also discloses an apparatus for facilitating a transaction between a buyer and at least one of a plurality of sellers (see claim 12), the apparatus having a storage device, and a processor connected to the storage device. The storage device of Walker's apparatus stores a program for controlling the processor. The processor of Walker's apparatus when executing the program receives a conditional purchase offer which includes an offer price and a payment identifier specifying a credit card account, the payment identifier being associated with the conditional purchase offer. The processor makes the conditional purchase offer available to the plurality of sellers after receiving the payment identifier, and upon receiving an acceptance from a seller, responsive to the conditional purchase offer, provides payment to the seller by using the payment identifier.

FIG. 1 of Walker illustrates a central controller 200 connected to a plurality of sellers and one buyer. Walker's system/method performs in a bidding situation, before a moment when a binding contract is formed. The finality of Walker's method/apparatus is changing the status of

the conditional purchase offer from "active" to "completed", see FIG. 19, col. 23 lines 12-18. The only operation performed in Walker after the sale is providing payment according to payment information input by the buyer with the CPO.

B. Rejection under 35 U.S.C. §103

The Office Action mailed July 19, 2007 has finally rejected claims 1-35 under 35 U.S.C. §103(a) as allegedly being anticipated by Walker.

1. Walker does not render obvious making a confirmation document

Walker does not teach or suggest "confirmation document making means for making a confirmation document by a buyer for each one of a plurality of seller records", as recited in claim 1, and corresponding features in claims 7, 17, 25-29 and 35.

The Office Action admits that Walker does not teach "confirmation...", but asserts that "it would have been obvious for one of ordinary skill in the art at the time of the invention" to include the missing feature in Walker's system/method. However, the position that Walker's system can be modified to arrive at the claimed system is insufficient to establish a prima facie case of obviousness.

MPEP 2143.01 states that "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so'".

The outstanding Office Action cites col. 23 lines 15-18 of Walker as standing for the statement that "the purchase confirmation is transmitted to the seller and to the buyer, i.e. buyer confirms document" (see lines 15-19 on page 3 of the outstanding Office Action). The indicated portion of Walker merely states "Purchase confirmation 120 is transmitted to the seller at step 1950 and transmitted to the buyer at step 1960." This bare statement does not teach or suggest that the buyer confirms the document. Thus, it does not render obvious the recited "making a confirmation document by a buyer." Even if Walker were teaching what the outstanding Office Action alleges it teaches (i.e. that the buyer confirms the document) which Applicants respectfully deny it does, this teaching is irrelevant relative to the recited feature.

Further the Office Action parses a part of the recited feature (i.e. "for each one of a plurality of seller records") and asserts that col. 22, lines 49-51 of Walker teaches that "CPO [is] directed to a plurality of buyers." The cited lines of Walker disclose "The counteroffer is also directed to a specific party (the buyer), unlike CPO 100 which may be directed to a plurality of sellers." The CPO is a Conditional Purchase Offer issued by a buyer and transmitted to a

plurality of potential sellers in order to complete a sale when a seller accepts the offer. The CPO is not a seller record. The counteroffer is issued by a seller to a specific buyer still prior to completion of a sale. A seller record used by the buyer to make confirmation documents refers to a completed sale. Thus col. 22, lines 49-51 of Walker does not disclose anything related to "each one of the seller records" recited in claim 1.

None of the cited portions of Walker (col. 23 lines 15-18 and col. 22, lines 49-51) anticipate or render obvious "confirmation document making means for making a confirmation document by a buyer for each one of a plurality of seller records", as recited in claim 1.

Further, the outstanding Office Action makes a series of conclusory statements alleging obviousness of the missing features by invoking reasons outside the scope of both the current application and Walker's actual disclosure, such as, "to easily accommodate multiple matter's of design choice of potential transactions between a buyer and a seller" (see lines 22-23 on page the of the outstanding Office Action.

Walker does not teach or suggest having a witness system to crate notarized documents thereby assisting a buyer and a seller in the aftermath of a sale.

In the Office Action mailed on March 8, 2007, the Examiner asserted that on col. 23, lines 12-18 of Walker, which describes "the status of counteroffer 140 is changed to 'completed'" as disclosing "after at least one sale operation has been agreed upon" as recited in claim 1. However, even if the operations of Walker's system/method conclude with a sale, the operations do not take place after the sale. Most of the Walker's portions cited in the Office Actions refer to the CPO, which is the acronym of 'Conditional Purchase Offer.' The existence of an offer (or counteroffer) signals a bidding phase of transacting business, that is, before the sale is completed.

Claim 1 also specifies that "each confirmation document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records." The Office Action alleges that the above reproduced feature is made obvious "where the buyer decides to bind the counteroffer and transmits the response to the central controller" (see lines 3-4 on page 4 of the outstanding Office Action). However, if the buyer decides to bind the counteroffer and transmits the response to the central controller the sale occurs. Thus, the cited paragraph and feature refer to a moment prior to the sale which is not what claim 1 recites. As explicitly stated in claim 1, the "witness system [assists] a buyer and a seller **after at least one sale operation has been agreed upon when an offer and acceptance have occurred.**" Using arguments related to Walker's method/system operations **before** a sale is completed, is improper.

Moreover, having merely one sale operation completed with one of a plurality of sellers is not the same as "a selected sale and corresponding sales data of at least one item among the plurality of seller records." The claim reciting "a selected sale and corresponding sales data of at least one item among the plurality of seller records" means that a plurality of sales and a plurality of seller records are required, feature which is not taught or suggested in Walker.

2. Citing features related to a Conditional Purchase Offer from Walker as relevant to a "witness system to assist a buyer and a seller after at least one sale operation has been agreed upon when an offer and acceptance have occurred" is improper.

Waker does not render obvious the features of the claims 1-35, because the purpose and conditions in Walker are fundamentally different from the purpose and conditions for the claimed witness systems and methods. Walker's system/method performs in a bidding situation, before a moment of a sale, while the claimed method/system performs after the moment of the sale (e.g., "sales data about one or more items sold by a seller to a buyer", claim 34) to ensure efficient distribution and account settlement (accounting) processes between the seller and the buyer.

The Office Action relies on col. 23, lines 12-18, which describes "the status of counteroffer 140 is changed to 'completed'" as disclosing "after at least one sale operation has been agreed upon" as recited in claim 1. However, even if the operations of Walker's system conclude with a sale, the operations do not take place after the sale, as recited in claim 1. Most of the portions of Walker cited in the Office Action, refer to the CPO, which is an acronym for 'Conditional Purchase Offer.' The existence of an offer (or counteroffer) is indicative of a bidding phase, that is, before sales are completed. Therefore, Applicants believe that Walker does not teach the features recited in the independent claims.

3. Walker does not render obvious "said seller checks said detailed payment statement against documents stored in memory according to said memory means" as recited in claim 10.

The outstanding Office Action takes the position that "[it] is well known in business to double check information with other information, to ensure that there are no mistakes." The Office Action relies on a portion of Walker (col. 18, lines 9-14) in which the CPO is reviewed (e.g., spell checked) or clarified. The spell checking disclosed in Walker does not render obvious the above-cited feature of claim 10. The checking recited in claim 10 is against documents stored in the memory means (so it is essentially a comparison of two documents) while the spell-

checking in Walker is applied to the Conditional Purchase Offer and not after the sale and it is not a comparison with another stored document.


VIII. Conclusion and Summary

Applicants submit that claims 1-35 patentably distinguish over the prior art. Reversal of the Examiner's rejection is respectfully requested.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Dec. 28, 2007

By: 
Luminita A. Todor
Registration No. 57,639

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

IX. THE CLAIMS APPENDIX

1. (PREVIOUSLY PRESENTED) A witness system to assist a buyer and a seller after at least one sale operation has been agreed upon when an offer and acceptance have occurred, comprising:

confirmation document making means for making a confirmation document by the buyer for each one of a plurality of received seller records sent from the seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer generating a confirmation document corresponding to each seller record, and each confirmation document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;

witness receiving means for receiving each confirmation document from the buyer after the buyer makes each confirmation document;

confirmation means for confirming by the seller that the content of each of the seller records is in agreement with the content of a corresponding one of the confirmation documents sent to the seller from the witness receiving means, wherein said witness receiving means certifies and registers each confirmation document as being accurate once said confirmation means confirms each confirmation document; and

memory means for storing in memory the confirmation documents registered by said witness receiving means, and

wherein the witness system responds to any subsequent inquiry of the buyer or the seller relative to the selected sale using the stored confirmation documents.

2. (ORIGINAL) A witness system according to claim 1, wherein a buyer makes said confirmation documents.

3. (PREVIOUSLY PRESENTED) A witness system according to claim 1, wherein when said witness receiving means confirms the confirmation documents, said witness receiving means notifies both the buyer and seller of the confirmation.

4. (PREVIOUSLY PRESENTED) A witness system according to claim 1, wherein when said confirmation documents are sent from said seller to said witness receiving means, said

documents are registered, and the fact that said documents are registered is confirmed.

5. (PREVIOUSLY PRESENTED) A witness system according to claim 1, wherein when said contents do not agree, as determined according to said confirmation means, said witness receiving means is notified of the substantive disagreement.

6. (ORIGINAL) A witness system according to claim 1, wherein the storing in memory of said documents according to said memory means is undertaken with respect to each buyer and each seller.

7. (PREVIOUSLY PRESENTED) An account settlement system, comprising:
notarization document making means for making a notarization document by a buyer for each one of a plurality of seller records sent from a seller to the buyer after at least one sale operation has been agreed upon when an offer and an acceptance have occurred, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;

sending means for sending to a notarization authority each notarization from the buyer after the buyer makes each notarization document, and for sending each notarization document from the notarization authority to the seller;

confirmation means for confirming by the seller whether the contents of each seller record is in agreement with the contents of a corresponding one of the notification documents;

a witness having the notarization authority and certifying that each notification document is accurate after the seller confirms that each seller record agrees with the corresponding notarization document;

memory means for storing in a memory the notarization documents certified by said witness;

detailed payment statement making means for making, with reference to the notarization documents stored in the memory, a detailed payment statement, upon which payment to the seller by the buyer is to be based;

funds transfer request means for requesting a transfer of funds, based on the detailed payment statement; and

notification means for notifying said witness of a transfer of funds, when funds are

transferred to the seller based on the funds transfer request, and

wherein the witness responds to any subsequent inquiry of the buyer or the seller relative to the selected sale using the stored confirmation documents.

8. (ORIGINAL) An account settlement system using a witness system according to claim 7, wherein said detailed payment statement is made in accordance with payment terms.

9. (ORIGINAL) An account settlement system using a witness system according to claim 8, wherein said payment terms are managed by said witness.

10. (ORIGINAL) An account settlement system using a witness system according to claim 7, wherein said seller checks said detailed payment statement against documents stored in memory according to said memory means.

11. (ORIGINAL) An account settlement system utilizing a witness system according to claim 7, wherein making of said detailed payment statement is undertaken by said buyer.

12. (ORIGINAL) An account settlement system utilizing a witness system according to claim 7, wherein making of said detailed payment statement is undertaken by said witness.

13. (ORIGINAL) An account settlement system utilizing a witness system according to claim 12, wherein said buyer checks said detailed payment statement in accordance with documents stored in memory according to said memory means.

14. (ORIGINAL) An account settlement system utilizing the witness system according to claim 7, wherein when said witness system notarizes notarization documents, notification of said notarization is given to both the buyer and seller.

15. (PREVIOUSLY PRESENTED) An account settlement system utilizing a witness system, comprising:

notarization document making means for making a notarization document by a seller for each one of a plurality of buyer records sent from a buyer to the seller, each buyer record including sales data about one or more items sold by the buyer to the seller, the seller making each notarization document upon receipt of each buyer record, and each notarization document

indicating a sale and corresponding sales data of at least one item among the plurality of seller records;

sending means for sending to a notarization authority each notarization from the seller after the seller makes each notarization document, and for sending each notarization document from the notarization authority to the buyer;

confirmation means for confirming by the buyer whether the contents of each buyer record is in agreement with the contents of a corresponding one of the notification documents;

a witness having the notarization authority and certifying that each notification document is accurate after the buyer confirms that each buyer record agrees with the corresponding notarization document;

memory means for storing in a memory the notarization documents certified by said witness;

detailed payment statement making means for making, by said buyer, with reference to the notarization documents stored in the memory, a detailed payment statement upon which a set-off payment by the seller to the buyer is based; and

request means for requesting a financial institution to issue a check to the buyer, based on the detailed payment statement.

16. (ORIGINAL) An account settlement system utilizing the witness system according to claim 15, wherein said financial institution notifies said witness when a check is issued based on said check issue request.

17. (PREVIOUSLY PRESENTED) An account settlement system utilizing a witness system, comprising:

notarization document making means for making a notarization document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;

sending means for sending to a notarization authority each notarization from the buyer after the buyer makes each notarization document, and for sending each notarization document from the notarization authority to the seller;

confirmation means for confirming by the seller whether the contents of each seller

record is in agreement with the contents of a corresponding one of the notification documents;

a witness having the notarization authority and certifying that each notification document is accurate after the seller confirms that each seller record agrees with the corresponding notarization document;

memory means for storing in a memory the notarization documents certified by said witness;

detailed payment statement making means for making, with reference to the notarization documents stored in the memory, a detailed payment statement, upon which payment to the seller by the buyer is to be based; and

request means for requesting a financial institution to issue a note to the buyer.

18. (ORIGINAL) An account settlement system utilizing a witness system according to claim 17, wherein said witness is notified when said financial institution has issued a note based on said note issuance request.

19. (ORIGINAL) An account settlement system according to claim 7, wherein at the time said detailed payment statement is made, set-off processing is performed when said buyer is possessed of a receivable against said seller.

20. (PREVIOUSLY PRESENTED) A witness system according to claim 1, wherein said witness receiving means confirms in advance a buyer and a seller and utilizes an authentication certificate when performing any procedure.

21. (ORIGINAL) An account settlement system utilizing said witness system according to claim 7, wherein said witness confirms in advance a buyer and a seller and utilizes an authentication certificate when performing any procedure.

22. (PREVIOUSLY PRESENTED) A witness system according to claim 1, wherein data transmitted among said witness receiving means, buyer, and seller, are encoded.

23. (ORIGINAL) An account settlement system utilizing said witness system according to claim 7, wherein data transmitted among said witness, buyer, and seller, are encoded.

24. (PREVIOUSLY PRESENTED) A witness system according to claim 20, wherein

said witness receiving means notarizes said transmitted data.

25. (PREVIOUSLY PRESENTED) A method for document confirmation by a witness system, comprising:

- making a confirmatory document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each confirmatory document upon receipt of each seller record, and each confirmatory document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;

- sending to a witness each confirmatory document from the buyer after the buyer makes each confirmatory document, and sending each confirmatory document from the witness to the seller;

- confirming by the seller whether the contents of each seller record are in agreement with the contents of a corresponding one of the confirmatory documents;

- certifying, by the witness, that each confirmatory document is accurate, and notifying the buyer and the seller of each certification; and

- storing the certified documents in a memory.

26. (PREVIOUSLY PRESENTED) An account settlement method utilizing a witness system, comprising:

- making a notarization document by a buyer for each one of a plurality of seller records sent periodically from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;

- sending to a notarization authority each notarization document from the buyer after the buyer makes each notarization document, and sending each notarization document from the notarization authority to the seller;

- confirming by the seller whether the contents of each seller record are in agreement with the contents of a corresponding one of the notarization documents;

- notarizing, by a witness having the notarization authority, that each document is accurate and notifying the buyer and the seller of each notarization, after the seller confirms that each seller record agrees with the corresponding notarization document;

- storing in a memory the notarized documents;

making, with reference to the stored notarization documents, a detailed payment statement upon which is based payment by the buyer to the seller; and
requesting the transfer of funds to the seller, based on the detailed payment statement.

27. (PREVIOUSLY PRESENTED) A computer-readable memory medium containing a program causing a computer to execute document confirmation processes performed by a witness system, and comprising a process of:

making a confirmatory document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each confirmatory document upon receipt of each seller record, and each confirmatory document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;

sending, to a witness, each confirmatory document from the buyer after the buyer makes each confirmatory document, and sending each confirmatory document from the witness to the seller;

confirming by the seller whether the contents of each seller record are in agreement with the contents of a corresponding one of the confirmatory documents;

certifying by the witness that each confirmatory document is accurate, and notifying the buyer and the seller of each certification, after the seller confirms that each seller record agrees with the corresponding confirmatory document; and

storing in a memory each certified document.

28. (PREVIOUSLY PRESENTED) A computer-readable memory medium containing a program causing a computer to execute an account settlement process using a witness system, and comprising a process of:

making a notarization document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;

sending, to a notarization authority, each notarization document from the buyer after the buyer makes each notarization document, and sending each notarization document from the notarization authority to the seller;

confirming, by the seller, whether the contents of each seller record and the contents of a

corresponding one of the notarization documents are in agreement;

notarizing, by a witness having the notarization authority, that each notarization document is accurate, and notifying the buyer and the seller of each notarization, after the seller confirms that each seller record agrees with the corresponding notarization document;

storing, in a memory, the notarized documents;

making, with reference to the notarized documents, a detailed payment statement upon which is based payment by the buyer to the seller; and

requesting that funds be transferred to the seller, based on the detailed payment statement.

29. (PREVIOUSLY PRESENTED) A witness system, comprising:

first computing means for making a document upon receipt of each one of a plurality of records, each record including sales data about one or more items sold by a seller to a buyer, each document being made upon receipt of each record, and each document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;

second computing means for confirming the contents of each document; and

third computing means for performing notarization of each confirmed document and storing in a memory each notarized document data.

30. (PREVIOUSLY PRESENTED) A witness system according to claim 29, wherein said storing in a memory and substantive confirmation of document data are executed according to a screen display of said third computing means.

31. (ORIGINAL) A witness system according to claim 29, wherein said document data comprise at least one of either a written will, written contract, written application, private communication, written report, or written summons, or a combination thereof.

32. (ORIGINAL) A witness system according to claim 29, wherein said first computing means encodes the said document data, transmits said data to said second computing means through said third computing means, confirms the contents of and further encodes said data, sends said data to said third computing means, and said third computing means further encodes the data sent from said second computing means and sends said data to said first or second computing means, or both.

33. (ORIGINAL) A witness system according to claim 32, wherein with respect to data transmitted among said first, second, and third computing means, a public access key for the sending side is sent in advance to the receiving side, and a receiving side public access key is sent to the transmitting side, a message, obtained by combining (a) a message encoded with a sender secrecy key and further encoded by DES and (b) DES-decoding DEK, encoded with a receiver's public access key, is transmitted as transmission data, and, at said receiving side, said transmission data is received, DEK produced therefrom by decoding said data with a secrecy key corresponding to said public access key, data encoded with DES is encoded with DEK, and data decoded by said sender-side secrecy key is compounded by means of said sender side public access key.

34. (PREVIOUSLY PRESENTED) An account settlement system, comprising:
payment request means for making a detailed payment statement that aggregates a selected plurality of payment objects and sending a payment request based on the detailed payment statement, each payment object being created upon receipt of a corresponding one of a plurality of seller sales records, each seller sales record including sales data about one or more items sold by a seller to a buyer, and each payment object indicating a selected sale and corresponding to the sales data of at least one item among the plurality of seller sales records;
and
comparison means for comparing the detailed payment statement with the seller sales record.

35. (PREVIOUSLY PRESENTED) A method of confirming document data, comprising:
creating a confirmation document by a buyer for each one of a plurality of vouchers sent to the buyer by a seller, each voucher including sales data about one or more items sold by the seller to the buyer, the buyer making each confirmation document upon receipt of each voucher, and each confirmation document indicating a selected sale and corresponding sales data of at least one item among the plurality of vouchers;
sending each confirmation document from the buyer after the buyer makes each confirmation document to a witness;
sending each confirmation document from the witness to the seller;
confirming contents of each confirmation document by the seller by comparing the contents of each confirmation document with the contents of a corresponding one of the

vouchers;

certifying and registering each confirmation document by the witness when the witness receives confirmation of the contents of each confirmation document from the seller; and
storing each payment document.

36. (WITHDRAWN) A method of exchanging sales data between a buyer and a seller using a witness system, comprising:

transmitting a confirmation document to the witness system from a buyer in response to receipt of seller records corresponding to sold items delivered by a seller, the confirmation document indicating a selected sale and corresponding sales data among seller records received by the buyer;

automatically determining delivery vouchers of the seller corresponding to the selected sale of the seller records included in the confirmation document; and

authenticating the confirmation document with the delivery vouchers of the seller via the witness system.

37. (WITHDRAWN) A method of exchanging sales data between a buyer and a seller using a witness system, comprising:

enabling the buyer to select a single sale record including corresponding sales data of at least one item from seller records of sold items delivered by the seller and creating a confirmation document including the single sale record; and

automatically determining delivery vouchers of the seller corresponding to the selected single sale record in the confirmation document and authenticating the confirmation document based on a comparison of the delivery vouchers with the confirmation document via the witness system.

X. EVIDENCE APPENDIX

Not applicable.

XI. RELATED PROCEEDING APPENDIX

Not applicable.